

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  POSSIBLE EXPANSION OF EQUIPMENT DISTRIBUTION PROGRAM	DOCKET NO. NOI-02-1
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**ORDER CLOSING DOCKET**

(Issued January 15, 2003)

Iowa Code § 477C.4 provides the Utilities Board (Board) the authority to "plan, establish, administer, and promote a program to secure, finance, and distribute telecommunications devices for the deaf," with the advice of the Dual Party Relay Council (Council). The Board has established an equipment distribution program pursuant to this statute. This program provides assistance to persons with hearing and speech impairments by helping them select telecommunication devices and by providing much of the purchase price of the equipment.

On April 26, 2002, the University of Iowa Clinical Law Program submitted a report to the Board entitled "Calling on the Iowa Utilities Board to Improve Telephone Access for Persons with Disabilities" (Report). The Report identifies persons currently being served by the equipment distribution program as "core" customers and persons with other physical and cognitive impairments as "core-plus" customers. The Report requests that the Board expand the equipment distribution program to serve both "core" and "core-plus" customers.

It appeared a statutory amendment would be required to implement the requested change. Therefore, on September 18, 2002, the Board issued an order initiating an inquiry to receive public comment regarding whether a statutory amendment should be pursued. Written comments were received from 38 individuals, agencies, and organizations. An oral comment proceeding was held on November 7, 2002. Eighteen members of the public, five Board staff persons, and one Board member attended the proceeding. Nine individuals and persons representing various agencies and organizations gave oral presentations during the first part of the proceeding. After the oral presentations, an open discussion was held.

The participants agreed there is a need for a program to aid "core-plus" customers in the acquisition of specialized telephone equipment. However, not all participants agreed this need should be met by expansion of the current equipment distribution program.

Although the goal of the proponents is certainly a worthy one, the inquiry did not achieve a consensus as to whether a legislative change should be sought to expand the equipment distribution program to include "core-plus" customers. Since there was no consensus, the Board declines to approach the legislature for a change to expand the program. The Board's position does not preclude the proponents from seeking such a change, and the Board would not oppose it. Such a policy decision most appropriately belongs with the legislature.

The work contemplated by the order initiating the inquiry is concluded. Therefore, Docket No. NOI-02-1 will be closed. The Board thanks all inquiry participants for their insightful comments and their valuable contributions to the process.

**IT IS THEREFORE ORDERED:**

Docket No. NOI-02-1 is closed.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 15<sup>th</sup> day of January, 2003.